THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION No.22092 of 2007

Dated: 06.12.2007

Between:

N.Murali Krishna. .. Petitioner.

And

Southern Power Distribution Co. of A.P.,Ltd.,
Rep. by its Chairman and Managing Director,
Renigunta Road, Tirupati, Chittoor District
and others. .. Respondents.

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ORDER:

This writ petition is filed seeking a Mandamus declaring the order passed by the 3rd respondent in his proceedings Memo No.DEE/O/OGL/ADM/JAO/D.No.21/04, dated 24.01.2004, dismissing the petitioner from service, as confirmed by the 2nd respondent by his orders, dated 19.10.2005 and 20.06.2007, as illegal, arbitrary, in violation of principles of natural justice and violative of Articles 14, 16 and 21 of the Constitution of India.

2. It appears, while the petitioner was working as Village Electricity Worker at Kandukur Town, he was dismissed from service, under the proceedings, dated 24.01.2004, on the ground that he had collected money from the consumers and fixed meters unauthorisedly and allowed them to utilize the supply unauthorisedly in Kandukur Town, and thereby caused heavy loss to Andhra Pradesh Southern Power Distribution Company Limited (hereinafter referred to as 'A.P.S.P.D.C.L' for the purpose of convenience). Thereafter, the petitioner was issued with a charge sheet, on 05.03.2004, enumerating the articles of charge and asking him to submit his explanation for the same before the enquiry officer. The very procedure adopted by respondents in dismissing the petitioner first, on the allegation of

irregularity committed by him, and proceeding with the matter of conducting a detailed enquiry thereafter is unknown to law, and thus, this procedure adopted by the respondents is arbitrary, illegal and atrocious. The dismissal order can never precede the charge sheet, and this itself shows that respondents have predetermined to dismiss the petitioner from service first and to conduct a formal enquiry thereafter. Therefore, the proceedings, dated 24.01.2004, passed by 3rd respondent, as well as the orders, dated 19.10.2005 and 20.06.2005, passed by 2nd respondent confirming the proceedings of 3rd respondent are ex-facie illegal and liable to be set aside.

3. Under these circumstances, the proceedings, dated 24.01.2004, passed by 3rd respondent, as well as the orders, dated 19.10.2005 and 20.06.2005, passed by 2nd respondent confirming the proceedings of 3rd respondent are set aside, and respondents are directed to reinstate the petitioner into service forthwith with all consequential benefits.

4. The writ petition is, accordingly, allowed. No order as to costs.

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(C.V.RAMULU,J)

Dt.06.12.2007
v v